

Remarks**Claim Rejections – 35 USC § 103**

The Examiner rejects claims 1-20 as being unpatentable over Crosby in view of Groner. This is respectfully traversed for the following reasons.

The Examiner's argument relies on the assumption that Crosby describes a system using Radio Data System (RDS). However, this is not the case. Radio Data System is a term known in the art and it is mentioned in the specification at page 1 lines 10 to 19. It involves data being broadcast together with FM or VHF radio signals. Nowhere in Crosby is the term "Radio Data System" mentioned.

Crosby describes two types of embodiments. The first type involves conventional radio broadcast signals not requiring any additional information encoded therein (see column 8 lines 48-53 of Crosby). These embodiments (which are the ones referred to by the Examiner in the office action) are clearly not using RDS. With these first embodiments geographical location of the subscriber mobile is needed (column 11 line 40) which is not required in the present invention. The second type of embodiments, which are only briefly mentioned in Crosby, involve broadcasters broadcasting digital radio signals encoded with additional data (column 11 lines 44-55). However RDS does not involve digital radio.

The Examiner's argument also assumes that Crosby teaches RDS information provided in a pre-specified template format. The Examiner states that Crosby describes this at Figs 1, 6 and 7 and column 5 line 66 to column 6 line 64. These passages have been very carefully studied but they do not teach broadcasting radio comprising RDS in a pre-specified template format. Figure 6 shows a vendor information database and Figure 7 a web page screen. Neither of these are a pre-specified template format of RDS in a radio broadcast.

The Examiner also refers to Groner which teaches a system for converting speech to a text message for email. This reference does not mention RDS either.

The Examiner states that Crosby teaches sending the message (created using RDS information) to the service provider. However, this is not the case. In Crosby interactive radio messages are sent from the subscriber to the interactive radio network ground station 108 (see column 6) and not to an individual vendor.

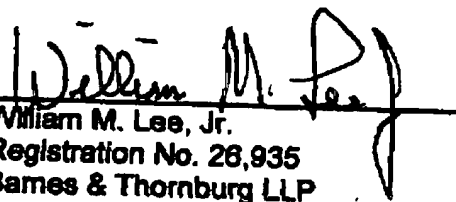
Because neither Crosby nor Groner mention RDS as claimed in the independent claims it would not have been possible for the skilled person to reach the present invention. Even if the digital data signal embodiment of Crosby is interpreted as RDS (which it is not) then the skilled person still has no direction to use a pre-specified template format for RDS as claimed in the independent claims. For these reasons it is respectfully submitted that the present invention is patentable over Crosby and Groner.

The Examiner's arguments about the dependent claims are not accepted, but since the independent claims are believed to be allowable, this response is not being unduly lengthened.

Further and favorable reconsideration is urged.

August 12, 2004

Respectfully submitted,


William M. Lee, Jr.
Registration No. 26,935
Barnes & Thornburg LLP
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 214-4800
(312) 759-5646 (fax)